

# Exhibit A:

## Declaration of

### German Marquez Alcala

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

JOHN DOES, et al.,

Plaintiffs,

v.

GRETCHEN WHITMER, et al.,

Defendants.

Case No. 22-cv-10209  
HON. MARK A. GOLDSMITH

**DECLARATION OF GERMAN MARQUEZ ALCALA**

I, German Marquez Alcala, state as follows:

1. I have served as one of Plaintiffs' experts in this litigation. My role was to analyze the data provided by the Michigan State Police (MSP) and the Michigan Department of Corrections (MDOC) about people who are on Michigan's sex offender registry.

2. I was the principal data analyst for Plaintiffs' Expert Report on Class Data. ECF 123-6. A summary of my credentials is set forth in ¶ 25 of that report. *Id.*, PageID.3956. My curriculum vitae is set forth as Exh. A to that report. *Id.* PageID.3991-93.

3. Plaintiffs' counsel asked me to run additional analyses based on the same MSP and MDOC data, relating to issues about the pending Defendants' motion for stay. A

more detailed description of the data set and the methods used to clean and analyze the data is contained in the original Expert Report on Class Data.

4. I have run that data and can report the following findings as to the Pre-2011 Ex Post Facto Subclass and as to the Non-Michigan Offense Subclass.

5. **Pre-2011 Ex Post Facto Subclass:** As of January 24, 2023 (when the MSP data was provided to us), there were 31,249 individuals in the Ex Post Facto Subclass. Of these:

- 213 were living outside of Michigan;
- 4,001 were incarcerated in Michigan; and
- **27,035** were living in the community in Michigan (In Community Group).

6. I calculated the length of time that people in the In Community Group had been living in the community without being convicted of another registrable offense. 36 of these individuals had errors in their address data, so I omitted them from the calculation. This left 26,999 individuals in this subclass for whom I calculated time in the community without reconviction for a registrable offense.

7. Of the 26,999 members of the Pre-2011 Ex Post Facto Subclass who were in the In Community Group, as of January 24, 2023:

- **25,251 (93.5%)** had been living in the community without reconviction for at least 5 years;
- **24,159 (89.5%)** had been living in the community without reconviction for at least 7 years;

- **22,018 (81.6%)** had been living in the community without reconviction for at least 10 years; and
- **16,054 (59.5%)** had been living in the community without reconviction for at least 15 years.

8. The data also showed that:

- **1,092 (4.0%)** had been living in the community without reconviction for more than 5 years but fewer than 7 years;
- **2,141 (7.9%)** had been living in the community without reconviction for more than 7 years but fewer than 10 years;
- **5,964 (22.1%)** had been living in the community without reconviction for more than 10 years but fewer than 15 years; and
- **16,054 (59.5%)** had been living in the community without reconviction for 15 years or more.

9. All of these numbers will likely now be somewhat higher because two years and three months have passed since the data were current.

10. I also ran a data analysis of the same Ex Post Facto Subclass (pre-July 11, 2011) In Community population, calculating their age from their date of birth to today's date (April 21, 2025):

- **3,079 (11.4%)** are under 39 years old;
- **7,291 (27.0%)** are 40 to 49 years old;
- **7,136 (26.4%)** are 50 to 59 years old; and
- **9,493 (35.2%)** are 60 years of age or older.

11. **Non-Michigan Conviction Subclass:** As of January 24, 2023, there were 3,100 individuals in this subclass. Of these:

- 35 were living outside of Michigan;
- 194 were incarcerated in Michigan; and
- **2,871** were living in the community in Michigan (In Community Group).

12. I calculated the length of time that people in the In Community Group had been living in the community without being convicted of another registrable offense. Two of these individuals had errors in their address data, so I omitted them from the time-free calculation. This left **2,869** individuals in this subclass for whom I calculated time in the community without reconviction for a registrable offense.

13. Of the **2,869** individuals in the Non-Michigan Offense Subclass who are in the In Community Group, as of January 24, 2023:

- **2,507 (87.4%)** had been living in the community without reconviction for at least 5 years;
- **2,311 (80.6%)** had been living in the community without reconviction for at least 7 years;
- **2,021 (70.4%)** had been living in the community without reconviction for at least 10 years; and
- **1,479 (51.6%)** had been living in the community without reconviction for at least 15 years.

14. The data also showed that:

- **196 (6.8%)** had been living in the community without reconviction for more than 5 years but fewer than 7 years;

- **290 (10.1%)** had been living in the community without reconviction for more than 7 years but fewer than 10 years;
- **542 (18.9%)** had been living in the community without reconviction for more than 10 years but fewer than 15 years; and
- **1,479 (51.6%)** had been living in the community without reconviction for 15 years or more.

15. Again, all of these numbers will likely now be somewhat higher because two years and three months have passed since the data were current.

16. I also ran a data analysis of the same Non-Michigan Offense Subclass In Community population, calculating their age from their date of birth to today's date (April 21, 2025):

- **521 (18.2%)** are under 39 years old;
- **675 (23.5%)** are 40 to 49 years old;
- **756 (26.4%)** are 50 to 59 years old; and
- **917 (32.0%)** are 60 years of age or older.

### **Statement of Compensation**

I am not being compensated for running the data analysis that was required to produce this short declaration.

### **Oath and Signature**

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge, infor-

mation, and belief.



---

German Marquez Alcala  
University of Michigan Law School  
Ann Arbor, MI  
gmarquez@umich.edu | Office: (734) 763-1760

Dated: April 21, 2025